



Public Notice

**US Army Corps
of Engineers
Louisville District**

Public Notice No.
200400218

Date:
23 Jul 04

Closing Date:
21 Aug 04

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Michael D. Hasty, CELRL-OP-FN
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6676

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899.

APPLICANT: Ms. Debra J. Nispel
PSI Energy, Inc.
P.O. Box 409
New Albany, Indiana 47151-0409

AGENT: Mr. Jonathan M. Magalski
Cinergy Services, Inc.
1000 East Main Street
Plainfield, Indiana 46168

LOCATION: The project is located at Ohio River Mile 609.5-611,
right descending bank, in New Albany, Floyd County,
Indiana.

Latitude: 38°-15'-32"
Longitude: 85°-50'-25"
7.5 Minute Quad: NEW ALBANY, INDIANA

PURPOSE: To perform periodic maintenance dredging at raw water
intakes and barge unloading area for a period of
10 years.

DESCRIPTION OF WORK: This activity was previously authorized by Department of the Army (DA) Permit No. 199400504, which will expire on August 31, 2004. The applicant proposes to perform maintenance dredging at the Gallagher Generating Station's raw water intakes (400 feet long by 90 feet wide) and at the coal barge unloading area (750 feet wide by 90 feet wide, see figures 2 & 3). The dredging is proposed as needed to maintain a river bottom elevation of 372 feet along the raw water intakes and the coal barge unloading area. The dredging would be conducted using either a clamshell or hydraulic suction dredge. The dredged material would be disposed of in a contained upland area along the southern portion of the coal storage area or other upland contained areas at the Gallagher Generating Station (see figure 1). The runoff from the dredged material would be diverted to the station's ash disposal ponds. The purpose of the dredging is to ensure adequate water flow to the raw water intakes and to maintain sufficient water depth (approximately 11 feet of draft) for docking and navigating of coal barges in the unloading area.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

Operations Division
Regulatory Branch (North)
ID No. 200400218

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest, which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Operations Division
Regulatory Branch (North)
ID No. 200400218

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections, which are received during this period, will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Mr. Michael Hasty, CELRL-OP-FN at the address noted above and should refer to the Public Notice Number 200400218.